




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

MEMORANDUM

**TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel**

FROM: Office of the Commission Secretary 

DATE: April 19, 2002

SUBJECT: Statement Of Reasons for MUR 5220

**Attached is a copy of the Statement Of Reasons for MUR 5220
signed by Chairman David M. Mason, Vice Chairman Karl J.
Sandstrom, Commissioner Bradley A. Smith, and Commissioner Scott E.
Thomas.**

**This was received in the Commission Secretary's Office on
Tuesday, April 18, 2002 at 4:32 p.m.**

**cc: Vincent J. Convery, Jr.
OGC Docket (5)**

Attachment

22.04.405.4133



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5220
Engel for Congress)

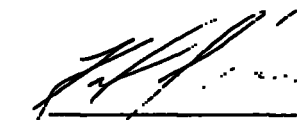
STATEMENT OF REASONS

On April 16, 2002, the Commission voted, 4-1¹, to find reason to believe Engel for Congress violated 2 U.S.C. § 441a(f) for accepting \$2,000 in excessive contributions from contributor Sanjiv Pandya.² In view of the circumstances of the matter, however, the Commission determined to take no further action and close the file.


The Engel for Congress Committee admitted to having accepted an excessive contribution and had already issued a refund to the contributor. The response indicates that the Reports Analysis Division of the FEC had alerted the Committee to the problem on May 9, 2001. The response includes a copy of the refund check in the amount of \$2,000 dated May 23, 2001. The fact that the Committee took remedial action in returning the excessive portion of the contribution coupled with the relatively small amount of the violation, mitigated against any further action. Accordingly, in the proper ordering of its priorities and resources, *see Heckler v. Chaney*, 470 U.S. 821 (1985), the Commission exercised its prosecutorial discretion and voted to take no further action and close the file.

April 18, 2002


David M. Mason, Chairman


Karl J. Sandstrom, Vice Chairman


Bradley A. Smith, Commissioner


Scott E. Thomas, Commissioner

¹ Commissioner McDonald dissented; Commissioner Toner was not present.

² The Commission voted to reject the Office of General Counsel's recommendation that this matter be dismissed because of its lower significance relative to other pending matters, the small amount of money at issue and the fact the Committee took remedial action.

22-04-405-4134